REMARKS

By this Amendment, Applicants propose amending claims 1, 3, 6, 8, 10, 12, and 19 to more appropriately define Applicants' invention, and canceling claims 4-5, 9, and 13-18 without prejudice or disclaimer of the subject matter thereof. No new matter is introduced. Claims 1-3, 6-8, 10-12, and 19 are pending in this application.

In the Final Office Action, the Examiner rejected claims 1, 2, 4, 6, 7, 9-11, 13, 14-16, and 18-19 under 35 U.S.C. § 103(a) as being unpatentable over Crosskey et al. (U.S. Patent No. 6,035,281) in view of Huang et al. (U.S. Patent No. 6,292,835) and rejected claims 3, 5, 8, 12, 14, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Crosskey and Huang in view of Caldwell et al. (U.S. Patent No. 6,421,673).

Applicants respectfully traverse the rejection of claims 1, 2, 4, 6, 7, 9-11, 13, 14-16, and 18-19 under 35 U.S.C. § 103(a) as being unpatentable over Crosskey in view of Huang. To establish a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must demonstrate each of three requirements. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. *See* M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. *See* M.P.E.P. § 2143.01 (8th ed. 2001). Third, a reasonable expectation of success must exist. *See* M.P.E.P. § 2143.02 (8th ed. 2001). Moreover, each of these requirements must be found in the prior art, not in applicant's disclosure. *See* M.P.E.P. § 2143 (8th ed. 2001).

Claim 1 recites a combination of steps including, among other things, "determining whether the document is an unprocessed extensible markup language

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(XML) document; when it is determined that the document is an unprocessed XML document, determining whether a processed version of the document is located in a local cache; when it is determined that the processed version of the document is located in the local cache, providing the processed version of the document to the client." Crosskey and Huang, taken alone or in combination, do not disclose or suggest at least these features.

By contrast, Crosskey, in the portion cited by the Examiner in the Response to Arguments section on page 2 of the Final Office Action, discloses client computers that can access hypertext objects stored on the content provider servers. To speed up the retrieval process, the proxy server may cache some of the hypertext objects on its own local disk using caching algorithms. Crosskey, col. 5, lines 15-34.

On the other hand, Huang discloses a proxy strategy that caches objects and actively sets update schedules for channel information disseminated from different servers. Based on available bandwidth, the proxy strategy formulates a mathematical function that can be solved to establish the proxy update schedules by maximizing the overall currency of information received by the clients. See Abstract. In other words, Huang discloses determining when to update cache data based upon available bandwidth. See col. 3, lines 23-25.

Crosskey and Huang, taken alone or in combination, do not disclose or suggest at least "determining whether the document is an unprocessed extensible markup language (XML) document; when it is determined that the document is an unprocessed XML document, determining whether a processed version of the document is located in a local cache; when it is determined that the processed version of the document is

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located in the local cache, providing the processed version of the document to the client," recited in claim 1. Because Huang and Crosskey, alone or in combination fail to teach or suggest the recitations of claim 1, Applicants request that the rejection of the claim under 35 U.S.C. § 103(a) be withdrawn for at least this reason and the claim allowed.

Independent claims 6, 10, and 19 include recitations similar to those of claim 1. As explained, claim 1 is allowable over Huang and Crosskey. Accordingly, claims 6, 10, and 19 are also allowable over these references and the Examiner should withdraw the rejection of these claims for at least the same reasons discussed above in connection with allowable claim 1.

Claims 2, 7, and 11 depend from one of claims 1, 6, and 10. Because claims 1, 6, and 10 are allowable over Huang and Crosskey, the Examiner should withdraw the rejection of claims 2, 7, and 11 under 35 U.S.C. § 103(a) and allow the claims. As Applicants propose canceling claims 4, 9, 13, 14-16, and 18 without prejudice or disclaimer, the rejections of these claims are rendered moot.

Applicants respectfully traverse the rejection of claims 3, 5, 8, 12, 14, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Crosskey and Huang in view of Caldwell. Because Applicants propose canceling claims 5, 14, and 17, the rejections of these claims are rendered moot.

Claims 3, 8, and 12 depend from one of claims 1, 6, and 10. As discussed above, allowable claims 1, 6, and 10 are neither disclosed nor suggested by Crosskey and Huang, taken alone or in combination. Moreover, the combination of Crosskey, Huang, and Caldwell does not disclose or suggest at least "determining whether the

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document is an unprocessed extensible markup language (XML) document; when it is determined that the document is an unprocessed XML document, determining whether a processed version of the document is located in a local cache; when it is determined that the processed version of the document is located in the local cache, providing the processed version of the document to the client," as recited in allowable claim 1. As noted above, claims 6 and 10 include recitations of a similar scope as claim 1.

By contrast, Caldwell discloses encrypting an XML document using a public key associated with a gateway account, attaching the encrypted XML document to a HTTP message, and transmitting it to a remote web server. Caldwell, col. 7, lines 33-41. Therefore, no reasonable combination of Crosskey, Huang, and Caldwell discloses or suggests Applicants' claimed invention.

Further, there is no suggestion or motivation to combine the teachings of Caldwell with both Crosskey's web billing system and Huang's bandwidth scheduling strategy. In particular, Caldwell teaches encrypting an XML document, an entirely divergent teaching from Applicants' claimed invention. Finally, nor is there a reasonable expectation of success for making the combination proposed by the Examiner.

At least due to their dependence, claims 3, 8, and 12 are neither disclosed nor suggested by the combination of Crosskey, Huang, and Caldwell. Because Crosskey, Huang, and Caldwell, taken alone or in combination, fail to teach or suggest the recitations of claims 3, 8, and 12, Applicants request that the rejections of these claims be withdrawn, and the claims allowed.

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CONCLUSION

Applicants respectfully request that the Examiner enter this Amendment under 37 C.F.R. § 1.116, placing claims 1-3, 6-8, 10-12, and 19 in condition for allowance. Applicants further submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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